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THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL
7 SALES, INC., BANANA REPUBLIC, LLC, AND OLD NAVY,
LLC

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 ROOTS READY MADE GARMENTS CO.
13 W.L.L.,

14 Plaintiff,

15 v.

16 THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
17 REPUBLIC, LLC, AND OLD NAVY, LLC

18 Defendants.
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Case No. C 07-03363 CRB

**DEFENDANTS' OBJECTIONS TO
ROOTS' NOTICE OF DEPOSITION OF
AMIN EL SOKARY**

1 Defendants THE GAP, INC., GAP INTERNATIONAL SALES, INC., BANANA
2 REPUBLIC, LLC, AND OLD NAVY, LLC (collectively "Gap") hereby object to the Notice of
3 Deposition of Amin El Sokary served by plaintiff ROOTS READY MADE GARMENTS CO.
4 W.L.L. ("Roots") by email on September 5, 2007. After Judge Breyer denied Roots' motion to
5 consolidate this case with the case filed by Gabana Gulf Distribution Ltd. and Gabana
6 Distribution Ltd., Roots' counsel, Robert Haney, asked that Roots be allowed to participate in the
7 depositions taking place the week of September 10 in Europe, including the deposition of Mr. El
8 Sokary. The Judge unambiguously denied that request. Roots' deposition notice, therefore, is
9 not only improper, but in direct contradiction of the Court's ruling. Furthermore, under Federal
10 Rule of Civil Procedure 26(d) "a party may not seek discovery from any source before the parties
11 have conferred as required by Rule 26(f)." The parties have not done so and Roots' deposition
12 notice is improper for this independent reason. The deposition notice is also improper because it
13 was served less than 10 days before the deposition is scheduled to occur, which is insufficient
14 notice. And the deposition notice is improper because the parties have no agreement in this case
15 that service by email is effective. For all of these reasons, Gap objects to Roots' deposition
16 notice and reserves its right to seek relief from the Court, including sanctions.

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18 Dated: September 7, 2007

KEKER & VAN NEST, LLP

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21 By: 

DAN JACKSON
Attorneys for Defendants
GAP INTERNATIONAL SALES, INC.,
THE GAP, INC., BANANA REPUBLIC,
LLC, and OLD NAVY, LLC

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On September 7, 2007, I served the following document(s):

**DEFENDANTS' OBJECTIONS TO ROOTS' NOTICE OF DEPOSITION
OF AMIN EL SOKARY**

by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown below, and dispatching a messenger from Time Machine, with instructions to hand-carry the above and make delivery to the following during normal business hours, by leaving the package with the person whose name is shown or the person authorized to accept courier deliveries on behalf of the addressee.

Richard A. Jones
Covington & Burling LLP
One Front Street
San Francisco, CA 94111

by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.

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Executed on September 7, 2007, at San Francisco, California.

I, Dorotea de Arco Fox, declare under penalty of perjury under the laws of the State of California that the above is true and correct.

